

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

APPLETON PAPERS INC. and  
NCR CORPORATION,

Plaintiffs,

v.

**No. 2:08-cv-00016-WCG**

GEORGE A. WHITING PAPER  
COMPANY, P.H. GLATFELTER  
COMPANY, MENASHA CORPORATION,  
GREEN BAY PACKAGING INC.,  
INTERNATIONAL PAPER COMPANY,  
LEICHT TRANSFER & STORAGE  
COMPANY, NEENAH FOUNDRY  
COMPANY, NEWPAGE WISCONSIN  
SYSTEM INC., THE PROCTER &  
GAMBLE PAPER PRODUCTS COMPANY,  
WISCONSIN PUBLIC SERVICE CORP.,  
CITY OF APPLETON, CITY OF DE PERE,  
CITY OF GREEN BAY, CITY OF  
KAUKAUNA, BROWN COUNTY, GREEN  
BAY METROPOLITAN SEWERAGE  
DISTRICT, HEART OF THE VALLEY  
METROPOLITAN SEWERAGE DISTRICT,  
NEENAH-MENASHA SEWERAGE  
COMMISSION, VILLAGE OF KIMBERLY,  
VILLAGE OF WRIGHTSTOWN,  
WTM I COMPANY, and  
U.S. PAPER MILLS CORPORATION,

Defendants.

**DEFENDANT MENASHA CORPORATION'S MOTION  
TO DISMISS FOURTH AND FIFTH AMENDED COMPLAINTS**

Pursuant to Fed. R. Civ. P. 12(b)(1) and (6), Defendant Menasha Corporation  
("Menasha") respectfully moves this Court to dismiss Counts I and III of Plaintiffs' Fourth and  
Fifth Amended Complaints for the reasons stated in Menasha's previously filed Motion to

Dismiss Plaintiffs' Second Amended Complaint and Memorandum in Support thereof, which reasons Menasha incorporates herein by reference.

Similar to the Third Amended Complaint, the Fourth and Fifth Amended Complaints add additional defendants, but do not appear to change the allegations against Menasha in any relevant way. Therefore, the filing of the Fourth and Fifth Amended Complaints do not affect the arguments made in Menasha's Motion to Dismiss and should not affect the Court's resolution of the Motions to Dismiss.

Dated: June 19, 2008

s/ Jacy T. Rock

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 19, 2008, **DEFENDANT MENASHA CORPORATION'S**  
**MOTION TO DISMISS FOURTH AND FIFTH AMENDED COMPLAINTS** was  
electronically filed with the Clerk of the Court using the ECF system. The ECF system will send  
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